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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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46670 7590 11/24/2008 TOWNSEND AND TOWNSEND AND CREW LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER NGO, NGUYEN HOANG				
ART UNIT 2416		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/829,516

Applicant(s)

SCHWARTZ ET AL.

Examiner

NGUYEN NGO

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/26/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- 7) ☐ Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Amendment

1. This communication is in response to the amendment of 8/26/2008. Changes made to the claims have been entered. Accordingly, Claims 1-48 are currently pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 1, 2, 3, 4, 9, 10, 15, 16, 24, 25, 26, 27, 32, 33, 38, 39, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 2002/0085701), in view of Moon et al. (US 6075992), hereinafter referred to as Parsons and Moon.

Regarding claim 1, 3, 24, 26 Parsons discloses a method for facilitating mediated communication between a mediation subscriber communication device (office phones

104 or office PCs 110 of figure 1, page 3 [0029]) and a mediated party (incoming calls from callers, page 3 [0029] and page 5 [0049]) communication device (a method for providing unified communications and messaging management based on a user's presence information, abstract);

receiving, at a mediation system (presence system 112 of figure 1), a designation of an availability status of a mediation subscriber at a mediation subscriber communication device (presence contexts, which includes "at desk", "campus roam", and "out of office", page 3 [0029]), the availability status indicating an availability of the mediation subscriber for receiving voice-based communication at the mediation subscriber communication device (presence contexts of where the user is, such as at desk, or off site, page 6 [0057] and figure 4b);

receiving at the mediation system, an altered context component (allowing the user to change the availability settings of devices and allowing a user to customize how their incoming calls should be handled, page 9 [0096]-[0097] and page 5 [0049])

determining that the pending mediated commitment is affected by the altered context component (how to communicate with the user in that associated context or customized options set by user, page 5 [0046])

facilitating, by the mediation system (presence system 112 of figure 1), a mediated follow-through operation for altering the pending mediated commitment according to the altered context component (profiles are completely customizable by an end user, so he or she can shape the exact communication experience they prefer under various condition, page 1 [0010]). Examiner thus correlates the limitation of "a

mediated follow-through operation for altering the pending mediated commitment according to the altered context component" to a called user capable of altering the delivery options/how to handle a call based on a users availability (presence context).

Parsons however fails to specifically disclose automatically generating, by the mediation system (presence system 112 of figure 1 and 2) mediating with the mediated party communication device (a caller) a pending mediated commitment based on the availability status (presence context of where the user is at), the pending mediated commitment indicating a scheduled commitment with a mediated party. Parsons however discloses that the user may specify that the incoming callers may choose to be routed to the user's cell phone or send a text message to the user's pager (page 3 [0029]) and further discloses that the calls to the user may be transferred to a particular phone such as an administrative assistant's phone (page 4 [0038]). It is well known that administrative assistants are used in order to schedule a later time to call back (pending mediated commitment). In a similar field of endeavor, Moon discloses an apparatus and method for automatically handling initiation of a call and further discloses of a message 86 which include initiating the call to the designated recipient at a different phone number and a reminder to initiate the call to the designated recipient during a particular time range (automatically generating a pending mediated commitment (Call Jane Doe at home at 7pm), col5 lines 60-col6 line 5 and 86 of figure 5) and of a control button which is provided for transferring to a screen display in a calendar application, where the phone call may be scheduled for initiation at a later time or date in

accordance with the time range/days in which the designated recipient is available (generating a pending mediated commitment (scheduling a callback) based on availability status, col5 line50-col6 line25 and 86 of figure 5). It would have thus been obvious to a person skilled in the art to incorporate the concept of automatically handling of calls with reference to availability, more specifically automatically scheduling a time to call back as disclosed by Moon into the method and system for providing unified communication management based on presence information, more specifically having the presence system (the mediation system mediating with a caller) automatically generate a pending mediated commitment, as disclosed by Parson in order to efficiently and correctly establish communication between two recipients.

Regarding claim 2, 25, Parsons discloses wherein receiving an altered context component includes receiving an altered availability status (change in presence context, page 3 [0030]).

Regarding claim 4, 16, 27, 39, Parsons discloses wherein facilitating the mediated follow-through operation includes transmitting, for reception by the mediated party communication device, the revised follow-through action in response to the mediated party being contacted (deliver the call to voice mail, or route the call to another number which is inputted by the user, page 7 [0074] and [0075] and figure 4H).

Regarding claim 9, 10, 32, 33, Parson discloses wherein facilitating the mediated follow-through operation includes:

determining a revised follow-through action (profiles of how to handle a call being completely customizable by an end user, page 1 [0010]);

preparing a revised follow-through communication (options 4g08 of figure 4g) including the revised follow through action (how incoming calls to the user's desk phone are first treated, page 7 [0071] and figure 4g); and

attempting to contact, via the mediation subscriber communication device, the mediation subscriber associated with the pending mediated commitment (options on how to contact the user, page 7 [0072]).

Regarding claim 15, 38 Parsons discloses a method for facilitating mediated communication between a mediation subscriber communication device (office phones 104 or office PCs 110 of figure 1, page 3 [0029]) and a mediated party (incoming calls from callers, page 3 [0029] and page 5 [0049]) communication device (a method for providing unified communications and messaging management based on a user's presence information, abstract);

receiving, at a mediation system (presence system 112 of figure 1), a designation of an availability status of a mediation subscriber at a mediation subscriber communication device (presence contexts, which includes "at desk", "campus roam", and "out of office", page 3 [0029]), the availability status indicating an availability of the

mediation subscriber for receiving voice-based communication at the mediation subscriber communication device (presence contexts of where the user is, such as at desk, or off site, page 6 [0057] and figure 4b);

receiving at the mediation system, an altered availability status (allowing the user to change the availability settings of devices and allowing a user to customize how their incoming calls should be handled, page 9 [0096]-[0097] and page 5 [0049])

determining that the pending mediated commitment is affected by the altered availability status (how to communicate with the user in that associated context or customized options set by user, page 5 [0046])

facilitating, by the mediation system (presence system 112 of figure 1), a mediated follow-through operation for altering the pending mediated commitment according to the altered availability status (profiles are completely customizable by an end user, so he or she can shape the exact communication experience they prefer under various condition, page 1 [0010]). Examiner thus correlates the limitation of "a mediated follow-through operation for altering the pending mediated commitment according to the altered context component" to a called user capable of altering the delivery options/how to handle a call based on a users availability (presence context). Parsons further discloses producing an altered mediated commitment, wherein facilitating the mediated follow-through operation includes determining a revised follow-through action (change of call handling option) and preparing a revised follow-through communication including the revised follow-through action (profiles of how to handle a call being completely customizable by an end user, page 1 [0010]).

Parsons however fails to specifically disclose automatically generating, by the mediation system (presence system 112 of figure 1 and 2) mediating with the mediated party communication device (a caller) a pending mediated commitment based on the availability status (presence context of where the user is at), the pending mediated commitment indicating a scheduled commitment with a mediated party. Parsons however discloses that the user may specify that the incoming callers may choose to be routed to the user's cell phone or send a text message to the user's pager (page 3 [0029]) and further discloses that the calls to the user may be transferred to a particular phone such as an administrative assistant's phone (page 4 [0038]). It is well known that administrative assistants are used in order to schedule a later time to call back (pending mediated commitment). In a similar field of endeavor, Moon discloses an apparatus and method for automatically handling initiation of a call and further discloses of a message 86 which include initiating the call to the designated recipient at a different phone number and a reminder to initiate the call to the designated recipient during a particular time range (automatically generating a pending mediated commitment (Call Jane Doe at home at 7pm), col5 lines 60-col6 line 5 and 86 of figure 5) and of a control button which is provided for transferring to a screen display in a calendar application, where the phone call may be scheduled for initiation at a later time or date in accordance with the time range/days in which the designated recipient is available (generating a pending mediated commitment (scheduling a callback) based on availability status, col5 line50-col6 line25 and 86 of figure 5). It would have thus been

obvious to a person skilled in the art to incorporate the concept of automatically handling of calls with reference to availability, more specifically automatically scheduling a time to call back as disclosed by Moon into the method and system for providing unified communication management based on presence information, more specifically having the presence system (the mediation system mediating with a caller) automatically generate a pending mediated commitment, as disclosed by Parson in order to efficiently and correctly establish communication between two recipients.

Regarding claim 47 Parsons discloses a system for facilitating mediated communication between a mediation subscriber communication device (office phones 104 or office PCs 110 of figure 1, page 3 [0029]) and a mediated party (incoming calls from callers, page 3 [0029] and page 5 [0049]) communication device (a method for providing unified communications and messaging management based on a user's presence information, abstract);

a mediation system (presence system 112 of figure 1) connected to a data packet network (Internet of figure 1) and to a voice network (PSTN of figure 1), the mediation system being capable of;

receiving, at a mediation system (presence system 112 of figure 1), a designation of an availability status of a mediation subscriber at a mediation subscriber communication device (presence contexts, which includes "at desk", "campus roam",

and "out of office", page 3 [0029]), the availability status indicating an availability of the mediation subscriber for receiving voice-based communication at the mediation subscriber communication device (presence contexts of where the user is, such as at desk, or off site, page 6 [0057] and figure 4b);

receiving at the mediation system, an altered context component (allowing the user to change the availability settings of devices and allowing a user to customize how their incoming calls should be handled, page 9 [0096]-[0097] and page 5 [0049])

determining that the pending mediated commitment is affected by the altered context component (how to communicate with the user in that associated context or customized options set by user, page 5 [0046])

facilitating, by the mediation system (presence system 112 of figure 1), a mediated follow-through operation for altering the pending mediated commitment according to the altered context component (profiles are completely customizable by an end user, so he or she can shape the exact communication experience they prefer under various condition, page 1 [0010]). Examiner thus correlates the limitation of "a mediated follow-through operation for altering the pending mediated commitment according to the altered context component" to a called user capable of altering the delivery options/how to handle a call based on a users availability (presence context).

Parsons however fails to specifically disclose automatically generating, by the mediation system (presence system 112 of figure 1 and 2) mediating with the mediated party communication device (a caller) a pending mediated commitment based on the

availability status (presence context of where the user is at), the pending mediated commitment indicating a scheduled commitment with a mediated party. Parsons however discloses that the user may specify that the incoming callers may choose to be routed to the user's cell phone or send a text message to the user's pager (page 3 [0029]) and further discloses that the calls to the user may be transferred to a particular phone such as an administrative assistant's phone (page 4 [0038]). It is well known that administrative assistants are used in order to schedule a later time to call back (pending mediated commitment). In a similar field of endeavor, Moon discloses an apparatus and method for automatically handling initiation of a call and further discloses of a message 86 which include initiating the call to the designated recipient at a different phone number and a reminder to initiate the call to the designated recipient during a particular time range (automatically generating a pending mediated commitment (Call Jane Doe at home at 7pm), col5 lines 60-col6 line 5 and 86 of figure 5) and of a control button which is provided for transferring to a screen display in a calendar application, where the phone call may be scheduled for initiation at a later time or date in accordance with the time range/days in which the designated recipient is available (generating a pending mediated commitment (scheduling a callback) based on availability status, col5 line50-col6 line25 and 86 of figure 5). It would have thus been obvious to a person skilled in the art to incorporate the concept of automatically handling of calls with reference to availability, more specifically automatically scheduling a time to call back as disclosed by Moon into the method and system for providing unified communication management based on presence information, more specifically

having the presence system (the mediation system mediating with a caller) automatically generate a pending mediated commitment, as disclosed by Parson in order to efficiently and correctly establish communication between two recipients.

4. Claims 5, 6, 7, 8, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 28, 29, 30, 31, 34, 35, 36, 37, 40, 41, 42, 43, 44,45, 46, and 48 rejected under 35 U.S.C. 103(a) as being unpatentable over Parson et al. (US 2002/0085701), in view of Moon et al. (US 6075992), in view of Truetken (US 6493324), hereinafter referred to as Parson, Moon, and Truetken.

Regarding claim 5, 7, 11, 13, 17, 19, 20, 21, 23, 28, 30, 34, 36, 40, 42, 43, 44, 46, Parsons and Moon fails to disclose the specific limitation of transmitting a postponement message for reception by the mediated party/subscriber communication device in response to the revised follow-through action being unacceptable to the mediated party and updating a mediated activity data set to reflect the postponement message being communicated.

Truetken however discloses a need for displaying a call placement dialog on the user interface of the calling party client (mediated party, col1 lines 52-55), and gives the motivation for such interface to effectively initiate and manage telephony sessions between users. Truetken further discloses of that the calling party client (mediated party) receives the suggested option and can select alternatives by selecting the appropriate icon such as canceling the call (transmitting a postponement message for

reception by the mediated party communication device in response to the revised follow-through action being unacceptable to the mediated party, col5 line14-20).

It would have thus been obvious to one ordinary skilled in the art at the time the invention was made to incorporate the interface of the calling party to accept or decline the revised follow through action disclosed by Truetken with the method for providing unified communication management based on presence information as disclosed by Parsons in order to effectively initiate and manage telephony sessions.

Regarding claim 6, 8, 12, 14, 18, 22, 29, 31, 35, 37, 41, and 45, Parsons, Moon, and Truetken disclose all the limitations of claim 6 as discussed in claim 5. Truetken discloses of that the calling party client (mediated party) receives the suggested option and can select alternatives by selecting the appropriate icon or accepting the suggested options (facilitating the mediated follow-through operation includes performing a mediated follow-through operation in response to the revised follow through action being acceptable to the mediated party/subscriber, col5 line14-20).

Regarding claim 48, Parsons, Moon, and Truetken discloses all the limitations of claim 48. Truetken discloses management between callers using, IP telephony client machines and traditional telephones, as well as other telephone devices (includes a data packet client and a computer telephone interface client, col2 lines 61-67). Truetken further discloses IP telephony client machines are networked with servers that

are connected to Internet (the data packet network includes a data packet server, col2 lines 55-60). Truetken discloses that the common user interface is provided by a voice response unit that is provided at the IP telephony gateway and that the VRU interface allows public switched telephone users to receive the same services and make the same choices as a computer client connected to the internet (the voice network includes a computer telephone interface client server and an interactive voice response system connected to the computer telephone interface, col3 lines 30-37).

Response to Arguments

1. Applicant's arguments filed 8/26/2008 have been fully considered but they are not persuasive.
2. Applicant submits that the combination of Parsons and Moon fail to disclose the limitation of "automatically generating, by the mediation system mediating with the mediated party communication device, a pending mediated commitment". Examiner however respectfully disagrees, as the Examiner correlates the presence system (112 of figure 1 and 2) of Parsons to correlate to the claimed mediation system in which allows a user (mediation subscriber communication device) to customize how their incoming calls (calls from a caller correlating to mediated party communication device) should be handled in the various presence contexts (page 5 [0049]). The Examiner then uses Moon to disclose the limitations of automatically generating a pending mediated commitment which may be accomplished at the presence system of Parsons. Applicant further submits that Moon does not disclose generating automatically the pending

commitment. Examiner however respectfully disagrees as Moon clearly states of an apparatus and method of automatically handling (a pending mediated commitment) initiation of a call by a caller to a designated recipient (abstract). Figure 7 further illustrates the concept of automatically generating the display.

3. Applicant further submits that Moon fails to generate a pending mediated commitment so that the commitment is generated by communication between parties and that the understanding of the word "mediate" is "to intervene between two or more disputants in order to bring about an agreement, a settlement, or a compromise", And that the message in Moon is not generated by any sort of communication between parties. Examiner however respectfully disagrees as Moon clearly discloses of a reminder to initiate a call to the designated recipient during a particular time range and of a control button 85 which is provided for transferring to a screen display in a calendar where the phone call may be scheduled at a later time or date in accordance with the time ranges in which the designated recipient is available (col5 line 65-col6 line8). Thus the recipient (mediation subscriber) communicates available times in which they may be contacted and the caller (mediated party) may either accept the given time range or choose another time range, thus correlating to the concept of mediate ("to intervene between two disputants (caller and recipient) in order to bring about an agreement, a settlement, or a compromise (agreement to the scheduling of a call)").

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGUYEN NGO whose telephone number is (571)272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571)272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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